

REMARKS

The Examiner noted that FIGS. 9-26 were not included in the brief description of the drawings, and that color drawings are acceptable only for purposes of examination.

The specification has been amended to refer to FIGS. 9-26 in the brief description of the drawings. Though FIGS. 9-26 may have been rendered in color, the colored feature of the figures are non-essential. The applicant desires to use black and white copies of the original drawings on file. Accordingly, a petition should not be necessary.

The Examiner rejected claims 1-84 under 35 U.S.C. § 102(b) as being anticipated by Sloane, et al., U.S. Patent No. 5,813,863. Sloane, et al. disclose a multimedia behavior-modification system for promoting awareness of illnesses associated with high-risk behavior, such as AIDS and diabetes. The system of Sloane, et al. allows a user to proceed through an interactive scenario comprising a plurality of video clips. At the end of each viewed video clip, the user is presented with a choice that pertains to a risk factor that may be associated with the particular illness of which awareness is to be promoted. The choice made will determine which video clip will be subsequently shown to the user so that the user may become aware of the potential consequences of his or her decision. The system also provides a hyperlink to informational content regarding the particular risk factor or factors associated with the video clip that is being viewed.

The system disclosed by Sloane, et al. tracks the decisions of users so that statistical data may be sent to health care professionals about which illnesses attract the

most attention, which high-risk behaviors are most prevalent, etc. Though the system disclosed by Sloane, et al. permits the statistical compilation of a particular user's behavior profile with respect to an illness, the profile is compiled when the user has finished the scenario and is not used to determine which scenario is presented to the user or to alter the scenario.

Claims 1-22 have been canceled.

Independent claim 23 claims a computer based game for children including at least one scenario comprising, in part, "said game obtaining the age for a first particular one of said children . . . and a second particular one of said children." Claim 23 includes the further limitation of "modifying said at least one scenario . . . based upon said respective ages." These limitations are not disclosed by Sloane, et al., who fail to disclose obtaining the age of any user and fails to modify the displayed scenarios based on ages. Independent claim 23 is therefore patentably distinguishable over Sloane et al. and should be allowable.

Claims 24-27 depend from independent claim 23 and are patentable for the same reasons as claim 23.

Claims 28-33 have been canceled.

Independent claim 34 claims a computer based game for children including at least one scenario having the limitation of said game "supplementing said psychological profile for said particular one of said children based upon . . . interaction with a care giver of said child" and "modifying said at least one scenario for said child based on said psychological profile." These limitations are not disclosed by Sloane, et al.

Claim 34 is therefore patentably distinguishable over Sloane, et al. and should be allowable.

Claims 35-41 depend from claim 34 and are patentably distinguishable for the same reasons as claim 34.

Claims 42-49 have been canceled.

Independent claim 50 claims a game including at least one scenario comprising, in part, "said game creating a psychological profile for a particular one of said children based upon interaction with said child configuring a graphical representation of said particular one of said children and "modifying said at least one scenario for said child based on said psychological profile." These limitations are not disclosed by Sloane, et al., which uses video clips taken from either a first-person perspective, where there is no graphical representation of a child, or alternatively a third-person perspective where a graphical representation may not be altered at all. Accordingly independent claim 50 is patentably distinguishable over Sloane, et al. and should be allowable.

Claims 51-60 depend from claim 50 and are patentable for the same reasons as claim 50.

Claims 61-72 have been canceled.

Independent claim 73 claims a computer based game for children and includes the limitations of "creating a set of data based on interaction of said child with said game," "forwarding said data to at least one of a printing company; . . . a binding company; a video company; a toy company; and a music company" and a respective one of said companies in turn providing to said child an item. These limitations are not

disclosed by Sloane et al., and therefore independent claim 73 is patentably distinguishable over Sloane, et al. and should be allowable.

Claims 74-78 depend from independent claim 73 are patentable for the same reasons as claim 73.

Claims 79-84 have been canceled.

New claims 85-104 have been added.

New independent claim 85 is directed to a computer based game for a child. The claim includes the limitation of “a proxy for said child . . . having at least one of a physical profile and a psychological profile . . . at least partially obtained through interaction within said graphical storytelling environment.” Claim 85 includes a further limitation of a “scenario . . . where said at least one of a physical profile and a psychological profile is used by said game to select said proxy’s reaction to said event.”

Claim 85 is patentably distinguishable over Sloane, et al. because Sloane, et al. do not disclose a game with a graphically represented proxy of a child. Nor do Sloane, et al. disclose displaying the proxy reacting to an event based upon the profile. At best, Sloane, et al. merely disclose a video sequence where a player controls the manner in which a proxy reacts to events by selecting a course of action from a number of displayed choices. Though Sloane, et al. arguably discloses a profile of a user based on the choices made, this profile is not used “to select said proxy’s reaction to said event.” Nor would there be a reason to do so, since the proxy’s reactions are selected by the user.

Claim 85 also patentably distinguishes over the other references cited by the Examiner as pertinent prior art. For example, Slade discloses a video sequence used

by a business to improve employee efficiency. An employee completes a questionnaire and based on the responses to the questionnaire, an appropriate video sequence is shown to the employee. Slade does not disclose a game, and certainly not a game for a child. Further, even if the results of Slade's questionnaire could be considered a psychological profile, the results of the questionnaire are not "obtained through interaction within [a] graphical storytelling environment." Even further, the video sequences disclosed by Slade do not include a proxy that reacts to an event based on the results of the questionnaire. Instead, the results of the questionnaire merely determine *which* video clips are shown to the employee.

Claims 86-94 depend from claim 85 and are patentable for the same reasons as claim 85.

New independent claim 95 is directed to a computer based game for a child. Claim 95 includes the limitation of "a proxy for said child . . . having a physical profile and a psychological profile . . . at least partially obtained through interaction within said graphical storytelling environment." Claim 95 includes a further limitation of "said physical profile and said psychological profile are used by said game to select one or more" scenarios from a plurality of potential scenarios.

Claim 95 patentably distinguishes over Sloane, et al. which do not disclose a game that includes a graphically represented proxy of a child where the profile of that child is used to select a scenario from a plurality of potential scenarios. Instead, the scenario disclosed by Sloane et al. is preselected and shown to all users regardless of their profile. Though Sloane, et al. arguably disclose a profile of a user based on the choices

made during the sequence, this profile is not used to choose which scenario to show to the user.

Claim 95 also patentably distinguishes over the other references cited by the Examiner as pertinent prior art. For example, Slade discloses a video sequence used by a business to improve employee efficiency. An employee completes a questionnaire comprising a self-evaluation. Based on the responses to the questionnaire, an appropriate video sequence is shown to the employee. Slade does not disclose a game, and certainly not a game for a child. Further, even if the results of the questionnaire of Slade could be considered a psychological profile, the results of the questionnaire of Slade are not “obtained through interaction within [a] graphical storytelling environment.”

Claims 96-104 depend from claim 95 and are patentable for the same reasons as claim 95.

The Examiner cited Kawano, U.S. Patent No. 3,290,602 B1 as pertinent prior art. Kawano discloses a computer game that categorizes a player’s personality based upon dialogue options selected by the player during the game. Subsequent dialogue options may then reflect the current personality category of the player.

Original independent claims 23, 34, 50, and 73 are patentable over Kawano for the same respective reasons that they are patentable over Sloane et al. New independent claim 85 is patentable over Kawano because that reference fails to disclose a game that uses “said at least one of a physical profile and a psychological profile . . . to select said proxy’s reaction to said event.” Kawano merely uses a personality profile to select dialogue options for a player. New independent claim 95 is patentable over

Kawano because that reference fails to disclose a "proxy . . . having a physical profile . . . including said child's name, gender, and age."

In view of the foregoing amendments and remarks, reconsideration and allowance are respectfully requested.

Respectfully submitted,

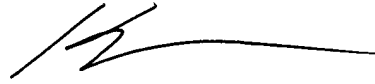


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Dated: April 7, 2003



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